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9 *et al.*

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 BORIS Y. LEVITT, CATS AND DOGS  
13 ANIMAL HOSPITAL, INC., TRACY CHAN,  
14 and BLEEDING HEART, LLC d/b/a  
15 BLEEDING HEART BAKERY; on behalf of  
themselves and all others similarly situated,

16 Plaintiffs,

17 v.

18 YELP! INC.; and DOES 1 through 100,  
19 inclusive,

20 Defendants.

Case No. CV 10-01321 MHP  
Consolidated with CV 3:10-cv-02351MHP

**STIPULATION AND ~~[PROPOSED]~~  
ORDER ALLOWING PLAINTIFFS TO  
FILE A SECOND AMENDED AND  
CONSOLIDATED COMPLAINT**

WHEREAS, on September 23, 2010, Plaintiffs filed a First Amended and Consolidated Complaint ("FAC") in the above-entitled matter;

WHEREAS, on October 22, 2010, Defendant filed a motion to dismiss Plaintiffs' FAC;

WHEREAS, on November 3, 2010, the parties stipulated to a modified briefing schedule, in part, to allow the parties time to meet and confer regarding the possibility of allowing Plaintiffs to file a Second Amended Complaint ("SAC");

WHEREAS, as a result of the parties' meet and confer efforts, the parties have agreed to allow Plaintiffs to file a SAC;

WHEREAS, the parties agree that, in the event Defendant files a motion to dismiss, that a modified briefing schedule is appropriate;

THEREFORE, it is hereby stipulated and agreed to by and between the parties, through their counsel of record, that Plaintiffs shall file a SAC. The deadline for Defendant to file a responsive pleading or motion to dismiss shall be December 17, 2010. If Defendant files a motion to dismiss, the deadline for Plaintiffs to file an opposition brief shall be January 7, 2011 and the deadline for Defendant to file a reply brief shall be January 21, 2011. Defendant's Motion to Dismiss shall be heard on February 7, 2011 or as soon thereafter as is convenient with the Court's calendar

DATED: November 18, 2010

**ONGARO BURTT & LOUDERBACK LLP**

By: /s/ David R. Ongaro  
David R. Ongaro

Attorneys for Plaintiffs Boris Y. Levitt *et al.*

DATED: November 18, 2010

**GIBSON DUNN & CRUTCHER LLP**

By: /s/ Susannah Stroud Wright  
Susannah Stroud Wright

Attorneys for Defendant  
Yelp! Inc.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.** [ 2:1-17].

DATED: 11/19/2010

By: \_\_\_\_\_

United States District Judge



**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, David R. Ongaro, attest that concurrence in the filing of this Stipulation and [Proposed] Order has been obtained from each of the other signatories.

DATED: November 18, 2010

By: /s/ David R. Ongaro  
David R. Ongaro